



CHERBY, Adam
18-994-001-MGL

File Date: April 10, 2024
Case Number: 24-cr-00143
Judge Nina R. Morrison

April 10, 2024

**MEMORANDUM
TO BRENNA MAHONEY
CLERK OF COURT
U.S. DISTRICT COURT**

**RE: ADAM, Cherby
DOCKET#:18-994-001-MGL
REQUEST FOR JUDICIAL
ASSIGNMENT**

Reference is made to Cherby Adam (Adam) who was sentenced in the District of South Carolina (D/SC) by the Honorable Mary G. Lewis, on March 11, 2021, to: sixty-five (65) months of imprisonment, three (3) years of supervised release and a \$100 special assessment fee. The sentence followed Adam's guilty plea to: Count 1) Conspiracy to Possess with Intent to Distribute and to Distribute a Detectable Amount of Heroin, in violation of 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 846, a Class C felony.

On February 17, 2023, Adam commenced supervision in the Eastern District of New York (EDNY), due to his residence in Brooklyn, New York.

On February 28, 2024, our office notified the D/SC Probation Department regarding Adam's recent illicit substance use and requested that they notify the Honorable May G. Lewis of the noncompliance. On February 15, 2024, Adam reported to the office for a routine check in and submitted a urine sample for analysis. This sample tested and confirmed positive for the presence of fentanyl. In response, Adam was confronted about his illicit substance use and adamantly denied using fentanyl or any other illicit substances which would potentially be laced with it. A subsequent urine sample was secured on February 20, 2024, which tested positive for amphetamines, marijuana, and fentanyl. When confronted about these substances, Adam admitted to using marijuana after the February 15, 2024, test, but once again denied any fentanyl use. A third test was secured on February 27, 2024, which tested and confirmed positive for marijuana and amphetamines. The amphetamine positive is indicative of Adam's Adderall prescription which has been verified by our office.

On February 27, 2024, Adam was presented with a Probation Form 49 Waiver, adding a substance abuse treatment condition. Adam conferred with his defense attorney, and voluntarily signed the waiver. On April 2, 2024, the Honorable Mary G. Lewis, imposed the substance abuse treatment condition recommended by the EDNY Probation Office and initiated a transfer of jurisdiction into EDNY.

As per 18 U.S.C. § 3605, our office is now requesting the transfer of jurisdiction, and we respectfully request that the case be docketed in EDNY and assigned to a U.S. District Judge. Attached, please find a copy of Probation Form 22, Transfer of Jurisdiction, signed by Judge Lewis.

Respectfully Submitted:

Robert L. Capers
Chief U.S. Probation Officer

Prepared by: Michael J. Stec
Michael J. Stec
U.S. Probation Officer

Digitally signed by
Michael J. Stec
Date: 2024.04.10
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Approved by: Petra de Haan
Petra DeHaan
Supervisory U.S. Probation Officer